

REMARKS

The Official Final Action of June 25, 2003, and the prior art relied upon therein have been carefully reviewed. Upon entry of the present amendment, the claims in the application will be only claims 6 and 8, these claims defining patentable subject matter warranting their allowance. Accordingly, applicants respectfully request entry of the amendment presented above, favorable reconsideration and allowance.

Claims 6-8 have been rejected under the first paragraph of §112. The rejection is respectfully traversed.

First, claim 6 is proposed to be amended above to incorporate subject matter from claim 7, the latter of which is proposed to be deleted. In addition, claim 6 is proposed to be amended in its preamble to focus on growth factors which are specifically exemplified. Thus, the amended claims are directed to a method for enhancing production of growth factor selected from the group consisting of hepatocyte growth factor, nerve growth factor and insulin-like growth factor, wherein enhancement of these growth factors are specifically described in the examples of applicants' specification. Among those eliminated is tumor necrosis factor.

Entry of the amendments presented above to claim 6 should obviate the rejection. Accordingly, entry of the

amendments presented above and withdrawal of the rejection are in order and are respectfully requested.

Claims 6-8 are now rejected under §102 as **anticipated** by Koyama, previously applied under §103, such rejection under §103 having been withdrawn¹. The rejection under §102 is respectfully traversed.

The rejection states that Koyama teaches that the compound of Formula I is useful for effectively killing legionella, an agent that causes pneumonia, and that Koyama also teaches the administration of compound Formula I is useful as anticancer agent.

In response, claim 6 is amended by combining claims 6 and 7 and specifying that the administration is to a person who is suffering from one of the conditions recited in claim 7, and reference to pneumonia and cancer (brain tumor) are deleted. Koyama does not anticipate the claims as canceled, even if it were to be accepted that the claims as previously pending were anticipated.

Accordingly, entry of the amendments presented above should obviate this rejection. Therefore, entry of such amendments, withdrawal of the rejection and allowance are all respectfully requested.

¹ As the rejection under §103 has been withdrawn, there is no issue as to obviousness. Applicants are proceeding in reliance thereof.

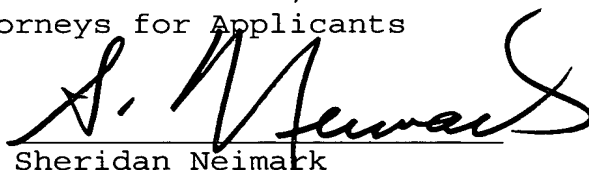
Please note that the third disease is spelled "cholestasis" in amended claim 6, although the same disease is spelled "cholestasia" in the specification. Applicants believe that the former spelling is more commonly used in the art than the latter spelling, although both are correct. If the examiner believes that one spelling is preferable to the other, and that the spelling in the specification and the claim should be the same, applicants hereby authorize the examiner to make the spellings consistent by either so-called "red-inking" or by "Examiner's Amendment", assuming that the present application is otherwise in condition for allowance.

Applicants believe that all issues have been addressed and that the present application, upon entry of the amendments presented above, should be in condition for allowance. Accordingly, applicants respectfully request favorable reconsideration, entry of the amendments presented above, and formal allowance.

Respectfully submitted,

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